

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

IN THE MATTER OF THE SEARCH OF
INFORMATION ASSOCIATED WITH
FACEBOOK ACCOUNT
100090121015839 THAT IS STORED AT
PREMISES CONTROLLED BY META
PLATFORMS, INC.

Case No. 1:23-mj-00192-JCN

AFFIDAVIT IN SUPPORT OF AN APPLICATION FOR A SEARCH WARRANT

I, Jose Rodriguez-Aguilar, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I am a Special Agent with the Federal Bureau of Investigation (“FBI”) and have been so employed since June 2022. I am currently assigned to the Boston Division, Bangor Resident Agency, of the FBI. As part of my duties, I have received training for and investigate crimes involving interstate threatening communications and cyber stalking among many other criminal federal violations. Through my employment, I have conducted investigations involving unlawful activities to include interstate threatening communications, fraud, bank robberies, and sexual exploitation of minors. During the course of my investigations, I have authored and executed search warrants to include search warrants for information associated with cloud-based data.

2. The FBI has jurisdiction to investigate offenses arising under 18 U.S.C. § 875(c), that involve interstate threatening communications.

3. I make this affidavit in support of an application for a search warrant for information associated with a certain Facebook account that is stored at premises owned, maintained, controlled, or operated by Meta Platforms, Inc. (“Meta”), a

company headquartered in Menlo Park, California. The information to be searched is described in the following paragraphs and in Attachment A. This affidavit is made in support of an application for a search warrant under 18 U.S.C. §§ 2703(a), 2703(b)(1)(A) and 2703(c)(1)(A) to require Meta to disclose to the Government records and other information in its possession, pertaining to the subscriber or customer associated with the account.

4. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other agents and witnesses.

5. Based on my training and experience and the facts as set forth in this affidavit, there is probable cause to believe that a violation of 18 U.S.C. § 875(c) (Interstate Communications) has been committed by Daniel Dworacek. There is also probable cause to search the information described in Attachment A for evidence of these crimes as described in Attachment B.

PROBABLE CAUSE

6. On April 24, 2023, a female residing in Penobscot County (hereinafter referred to as "the Victim") called the police to report that Daniel Dworacek ("Dworacek") was calling her offensive names on social media and threatening to put a "hit" out on her life. Deputy Julia Richards with the Penobscot County Sheriff's Office spoke with the Victim on that date. The Victim reported that Dworacek lives in Texas and that she used to date Dworacek when she lived in Texas in 2015. The Victim stated that in 2015, Dworacek kicked in her door, beat her, and raped her. She reported that she subsequently left Dworacek and moved to Maine in 2018. The Victim said Dworacek had many accounts on Facebook that he used to harass her and that every time she would block one of his accounts, he would create a new one. The Victim

reported that Dworacek sent her a threatening message, saying that he would hurt her, hire a hitman, and leave her in a ditch.

7. On April 25, 2023, the FBI received an online tip from the Victim through the National Threat Operations Center (NTOC) via tips.fbi.gov. In the tip, the Victim reported that Dworacek, her ex-boyfriend, had been stalking her for years. The Victim provided Dworacek's address (308 Round Up Trail, Bandera, Texas¹), and said he had beaten and raped her in the past when they both lived in Texas. The Victim reported that Dworacek had contacted her through Facebook and Instagram and threatened to "put [her] in a ditch" and "put a hit" out on her.

8. On May 9, 2023, I interviewed the Victim, along with FBI Special Agent Erika Jensen. The Victim said she lived in Bandera, Texas in 2012, where she met Daniel Dworacek (DOB xx/xx/1992), and that they became romantically involved in 2015. The Victim stated that in late 2015, Dworacek physically assaulted and raped her, and she was taken by ambulance to the hospital as a result of her injuries, but that Dworacek was not criminally charged. The Victim said that about a month or two later, Dworacek assaulted the Victim again, causing an injury to her head that required stitches. She said Dworacek had a shotgun at the time and threatened to kill her with it. According to the Victim, Dworacek's grandmother witnessed the incident and called the police, and Dworacek was charged with assault causing injury to a family member. The Victim said Dworacek served jail time and probation for the offense. A review of Dworacek's criminal history shows that he was convicted of Assault Causes Bodily

¹ I have confirmed through a law enforcement/open-source database that Daniel Dworacek (DOB xx/xx/1992) has a reported address of 352 Circle Drive in Bandera, Texas since approximately 2011.

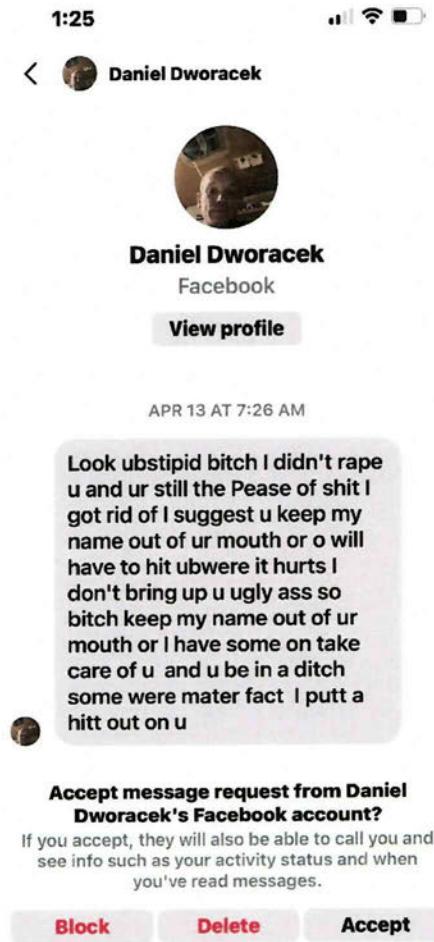
Injury to Family Member on May 4, 2017, in the Bandera County Court (Court No. 17-00130) in Bandera, Texas. The Victim said she left Texas and moved to Maine in 2018.

9. During the interview on May 9, the Victim reported that in 2022, she was on a Facebook video call with one of her friends at the time, Kayla Davis, who lives near Bandera, Texas. While they were talking, the Victim noticed that Kayla kept moving her eyes off the screen to another area of the room. When the Victim asked if someone else was there, Dworacek took the phone and appeared on the screen. Dworacek began screaming and cursing at the Victim and threatened to kill her. The Victim disconnected the video call and blocked Kayla on social media.

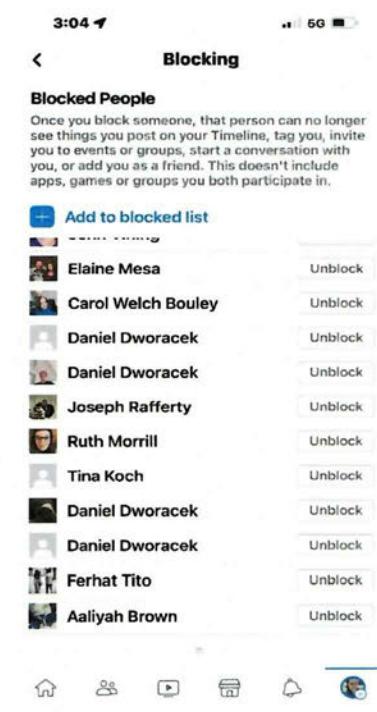
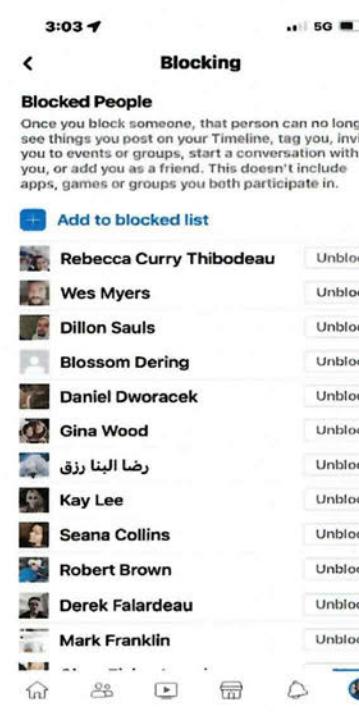
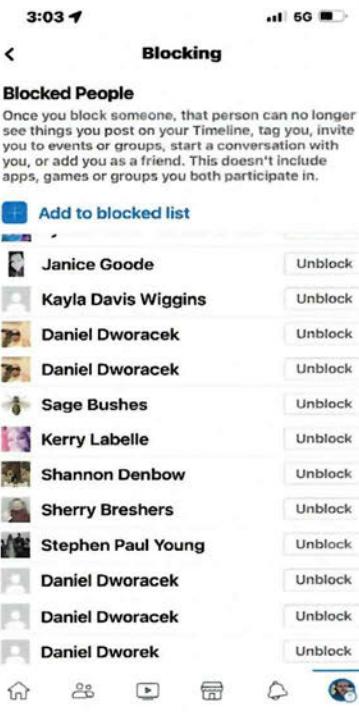
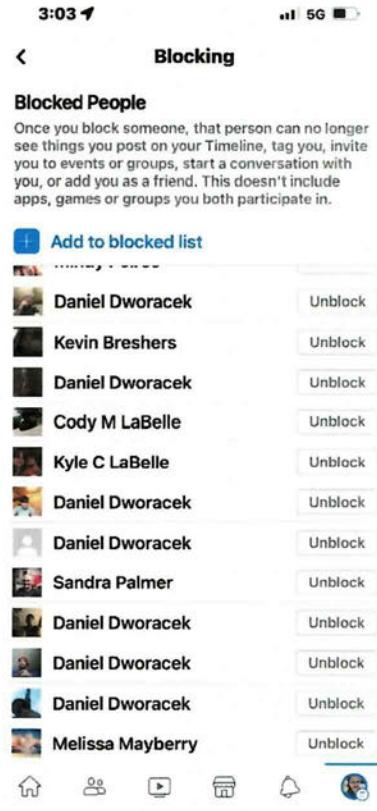
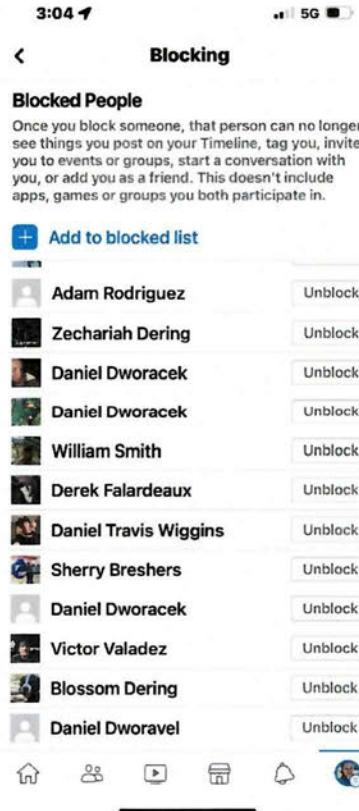
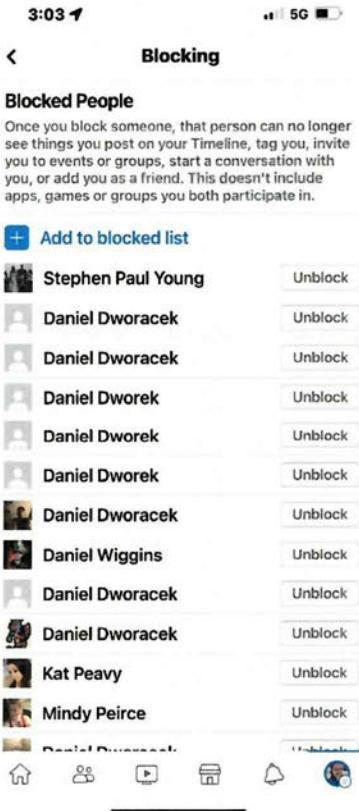
10. The Victim has an Instagram account with the username of “Modernmayhemphotography” and a Facebook account with the display name of “Crystal Chambers” and a username of “crystaldawn26.”

11. The Victim said she received a message through her Instagram account (“Modernmayhemphotography”). This message originated from a Facebook account under the display name “Daniel Dworacek” with a profile picture depicting a white male with similar appearance to the NCIC photo of Daniel Dworacek. I was not able to click on the Facebook account via the Victim’s mobile device because the Victim did not accept the message request from the sender. I was able to locate a similar Facebook account to that of the sender via a public Facebook search that contained the same display name and profile photo as the sender. The user identification number of the Facebook account that was a match with the sender is 100090121015839. The account was then confirmed via subsequent legal process to Facebook, and the registration name associated with the account (100090121015839) was confirmed to be “Daniel Dworacek”. The message to the Victim came through as an initial message request

because the Victim was not “friends” on social media with that Facebook user. The Victim provided the following screenshot image of the message from Daniel Dworacek:



12. After leaving Texas in 2018, the Victim said she has received numerous friend requests on Facebook from accounts with the last name Dworacek and from individuals who are close associates of Dworacek. The Victim has blocked those individuals in the screenshots below on social media. Screenshot images from the Victim of the Facebook accounts blocked by the Victim appear below and include numerous accounts with the name Daniel Dworacek (or with a similar last name):



3:03 5G

Blocking

Blocked People

Once you block someone, that person can no longer see things you post on your Timeline, tag you, invite you to events or groups, start a conversation with you, or add you as a friend. This doesn't include apps, games or groups you both participate in.

Kayla Lynn

Mike Breshers

Kayla Davis

Daniel Dworacek

John Kauffman

Casey Turner

Daniel Dworacek

Kris Lee Alexander

Daniel Roark

Timothy Wiggins

Kayla Davis

Terry Smith

Hannah Devoe

[Unblock](#)

Home People Videos Photos Notifications

13. On June 20, 2023, Meta produced records showing that the Facebook account with display name “Daniel Dworacek” and user identification number 1000090121015839 was created on February 21, 2023. The name provided by the account holder is “Daniel Dworacek” and the registered email address associated with the account is “dworacekdanielo@gmail.com”. The IP address associated with the creation of the account is “168.182.57.154”, which resolves to Bandera Electric Cooperative (BEC Fiber), and that provider operates out of or provides services to Bandera, Texas.

14. On June 29, 2023, Google produced records showing that the email address of dworacekdanielo@gmail.com was created on February 21, 2023, and the

name Daniel Dworacek was used to create the account. The IP address associated with the creation of the account is “168.182.57.154” (the same as above), which resolves to Bandera Electric Cooperative (BEC Fiber), which provides services to Bandera, Texas.

BACKGROUND CONCERNING FACEBOOK²

15. Meta owns and operates Facebook, a free-access social networking website that can be accessed at <http://www.facebook.com>. Facebook users can use their accounts to share communications, news, photographs, videos, and other information with other Facebook users, and sometimes with the general public.

16. Meta asks Facebook users to provide basic contact and personal identifying information either during the registration process or thereafter. This information may include the user’s full name, birth date, gender, e-mail addresses, physical address (including city, state, and zip code), telephone numbers, screen names, websites, and other personal identifiers. Each Facebook user is assigned a user identification number and can choose a username.

17. Facebook users may join one or more groups or networks to connect and interact with other users who are members of the same group or network. Facebook assigns a group identification number to each group. A Facebook user can also connect directly with individual Facebook users by sending each user a “Friend Request.” If the recipient of a “Friend Request” accepts the request, then the two users will become “Friends” for purposes of Facebook and can exchange communications or view

² The information in this section is based on information published by Meta on its Facebook website, including, but not limited to, the following webpages: “Privacy Policy,” available at <https://www.facebook.com/privacy/policy>; “Terms of Service,” available at <https://www.facebook.com/legal/terms>; “Help Center,” available at <https://www.facebook.com/help>; and “Information for Law Enforcement Authorities,” available at <https://www.facebook.com/safety/groups/law/guidelines/>.

information about each other. Each Facebook user's account includes a list of that user's "Friends" and a "News Feed," which highlights information about the user's "Friends," such as profile changes, upcoming events, and birthdays.

18. Facebook users can select different levels of privacy for the communications and information associated with their Facebook accounts. By adjusting these privacy settings, a Facebook user can make information available only to himself or herself, to specific Facebook users, or to anyone with access to the Internet, including people who are not Facebook users. A Facebook user can also create "lists" of Facebook friends to facilitate the application of these privacy settings. Facebook accounts also include other account settings that users can adjust to control, for example, the types of notifications they receive from Facebook.

19. Facebook users can create profiles that include photographs, lists of personal interests, and other information. Facebook users can also post "status" updates about their whereabouts and actions, as well as links to videos, photographs, articles, and other items available elsewhere on the Internet. Facebook users can also post information about upcoming "events," such as social occasions, by listing the event's time, location, host, and guest list. In addition, Facebook users can "check in" to specific locations or add their geographic locations to their Facebook posts, thereby revealing their geographic locations at particular dates and times. A particular user's profile page also includes a "Wall," which is a space where the user and his or her "Friends" can post messages, attachments, and links that will typically be visible to anyone who can view the user's profile.

20. Facebook users can upload photos and videos to be posted on their Wall, included in chats, or for other purposes. Users can "tag" other users in a photo or video

and can be tagged by others. When a user is tagged in a photo or video, he or she generally receives a notification of the tag and a link to see the photo or video.

21. Facebook users can use Facebook Messenger to communicate with other users via text, voice, video. Meta retains instant messages and other shared Messenger content unless deleted by the user, and also retains transactional records related to voice and video chats. Facebook users can also post comments on the Facebook profiles of other users or on their own profiles; such comments are typically associated with a specific posting or item on the profile.

22. If a Facebook user does not want to interact with another user on Facebook, the first user can “block” the second user from seeing his or her account.

23. Facebook has a “like” feature that allows users to give positive feedback or connect to particular pages. Facebook users can “like” Facebook posts or updates, as well as webpages or content on third-party (*i.e.*, non-Facebook) websites. Facebook users can also become “fans” of particular Facebook pages.

24. Facebook has a search function that enables its users to search Facebook for keywords, usernames, or pages, among other things.

25. Each Facebook account has an activity log, which is a list of the user’s posts and other Facebook activities from the inception of the account to the present. The activity log includes stories and photos that the user has been tagged in, as well as connections made through the account, such as “liking” a Facebook page or adding someone as a friend. The activity log is visible to the user but cannot be viewed by people who visit the user’s Facebook page.

26. Facebook also has a Marketplace feature, which allows users to post free classified ads. Users can post items for sale, housing, jobs, and other items on the

Marketplace.

27. In addition to the applications described above, Meta provides users with access to thousands of other applications (“apps”) on the Facebook platform. When a Facebook user accesses or uses one of these applications, an update about that the user’s access or use of that application may appear on the user’s profile page.

28. Meta also retains records of which IP addresses were used by an account to log into or out of Facebook, as well as IP address used to take certain actions on the platform. For example, when a user uploads a photo, the user’s IP address is retained by Meta along with a timestamp.

29. Meta retains location information associated with Facebook users under some circumstances, such as if a user enables “Location History,” “checks-in” to an event, or tags a post with a location.

30. Social networking providers like Meta typically retain additional information about their users’ accounts, such as information about the length of service (including start date), the types of service utilized, and the means and source of any payments associated with the service (including any credit card or bank account number). In some cases, Facebook users may communicate directly with Meta about issues relating to their accounts, such as technical problems, billing inquiries, or complaints from other users. Social networking providers like Meta typically retain records about such communications, including records of contacts between the user and the provider’s support services, as well as records of any actions taken by the provider or user as a result of the communications.

31. As explained herein, information stored in connection with a Facebook

account may provide crucial evidence of the “who, what, why, when, where, and how” of the criminal conduct under investigation, thus enabling the United States to establish and prove each element or alternatively, to exclude the innocent from further suspicion. In my training and experience, a Facebook user’s IP log, stored electronic communications, and other data retained by Meta, can indicate who has used or controlled the Facebook account. This “user attribution” evidence is analogous to the search for “indicia of occupancy” while executing a search warrant at a residence. For example, profile contact information, private messaging logs, status updates, geo-location information stored by Meta and tagged photos (and the data associated with the foregoing, such as date and time) may be evidence of who used or controlled the Facebook account at a relevant time. Further, Facebook account activity can show how and when the account was accessed or used. For example, as described herein, Meta logs the Internet Protocol (IP) addresses from which users access their accounts along with the time and date. By determining the physical location associated with the logged IP addresses, investigators can understand the chronological and geographic context of the account access and use relating to the crime under investigation. Such information allows investigators to understand the geographic and chronological context of Facebook access, use, and events relating to the crime under investigation. Additionally, location information retained by Meta may tend to either inculpate or exculpate the Facebook account owner. Last, Facebook account activity may provide relevant insight into the Facebook account owner’s state of mind as it relates to the offense under investigation. For example, information on the Facebook account may indicate the owner’s motive and intent to commit a crime (e.g., information indicating a plan to commit a crime), or consciousness of guilt (e.g., deleting account information in an

effort to conceal evidence from law enforcement).

32. Therefore, the servers of Meta are likely to contain all the material described above, including stored electronic communications and information concerning subscribers and their use of Facebook, such as account access information, transaction information, and other account information.

INFORMATION TO BE SEARCHED AND THINGS TO BE SEIZED

33. I anticipate executing this warrant under the Electronic Communications Privacy Act, in particular 18 U.S.C. §§ 2703(a), 2703(b)(1)(A) and 2703(c)(1)(A), by using the warrant to require Meta to disclose to the government copies of the records and other information (including the content of communications) particularly described in Section I of Attachment B. Upon receipt of the information described in Section I of Attachment B, Government-authorized persons will review that information to locate the items described in Section II of Attachment B.

CONCLUSION

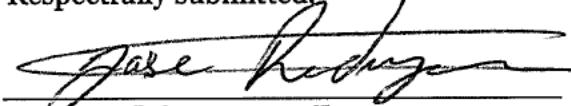
34. Based on the foregoing, I request that the Court issue the proposed search warrant.

35. Pursuant to 18 U.S.C. § 2703(g), the presence of a law enforcement officer is not required for the service or execution of this warrant. The Government will execute this warrant by serving it on Meta. Because the warrant will be served on Meta, who will then compile the requested records at a time convenient to it, reasonable cause exists to permit the execution of the requested warrant at any time in the day or night.

36. This Court has jurisdiction to issue the requested warrant because it is “a court of competent jurisdiction” as defined by 18 U.S.C. § 2711. 18 U.S.C. §§ 2703(a), (b)(1)(A) & (c)(1)(A). Specifically, the Court is “a district court of the United States . . .

that – has jurisdiction over the offense being investigated.” 18 U.S.C. § 2711(3)(A)(i).

Respectfully submitted,



Jose Rodriguez-Aguilar
Special Agent
Federal Bureau of Investigation

Sworn to telephonically and signed
electronically in accordance with the
requirements of Rule 4.1 of the Federal Rules
of Criminal Procedure

Date: Jul 05 2023

City and state: Bangor, ME



John C Nivison U.S. Magistrate Judge

Printed name and title